

The Honorable James L. Robart

UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

RAFAEL ALVARADO-SOLORIO,

Defendant.

NO. CR16-193JLR

~~[PROPOSED]~~ ORDER REGARDING  
CONTINUANCE OF TRIAL DATE

Based on the parties' Motion for Entry of An Order Regarding Continuance of the Trial Date, the Court makes the following findings of fact and conclusions of law:

1. The trial in *United States v. Alvarado-Solorio* was set for November 28, 2016.
2. On November 10, 2016, the Court held a hearing on Mr. Alvarado-Solorio's motion seeking new counsel, which the Court denied.
3. The Court hereby finds that these developments made it impractical to proceed to trial on November 28, 2016. In light of Mr. Alvarado-Solorio's decision to continue with assigned counsel and the need for defense counsel to prepare for trial and the anticipated pretrial litigation regarding Mr. Alvarado-Solorio's potential defenses at trial, a continuance of that trial date is necessary. The parties are entitled to a reasonable period of time for general trial preparation, motions practice, and to address related issues.

1 4. Trial in this matter is therefore scheduled for February 21, 2017.

2 5. Accordingly, the Court finds that the ends of justice served by granting this  
3 continuance outweigh the best interests of the public and the defendant in a speedy trial.  
4 18 U.S.C. § 3161(h)(7)(A).

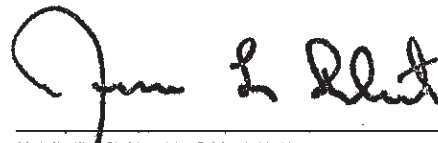
5 6. Proceeding to trial absent adequate time for the defense to prepare would result  
6 in a miscarriage of justice. 18 U.S.C. §3161(h)(7)(B)(i). The defense needs additional  
7 time to explore relevant issues and defenses applicable to the case, which would make it  
8 unreasonable to expect adequate preparation for pretrial proceedings or for trial itself  
9 within the time limits established by the Speedy Trial Act and currently set for this case.  
10 18 U.S.C. § 3161(h)(7)(B)(ii).

11 7. Taking into account the exercise of due diligence, a continuance is necessary  
12 to allow for preparation of the defense and the other reasons set forth above.  
13 18 U.S.C. § 3161(h)(7)(B)(iv).

14 8. Accordingly, the Court hereby ORDERS the formal exclusion of time between  
15 November 10, 2016, and the new trial date of February 21, 2017.

16 9. Pretrial motions shall be due January 6, 2017.

17 DATED this 15<sup>th</sup> day of November, 2016

18  
19  
20 

21 JAMES L. ROBART  
22 United States District Judge  
23

24 Presented by:

25  
26 /s/ Matthew P. Hampton  
27 MATTHEW P. HAMPTON  
28 Assistant United States Attorney

/s/ Gregory Geist  
GREGORY GEIST  
Assistant Federal Public Defender